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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,720

05/31/2006

Reinhard Weiberle

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3657

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02/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,720	Applicant(s) WEIBERLE ET AL.	
	Examiner Melody M. Burch	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/3/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/21/09 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of a front wheel braking module of a first lateral side of the vehicle being connected *only* to a rear wheel braking module of a second lateral side of the vehicle by the second communication device and a front wheel braking module of the second lateral side of the vehicle being connected *only* to a rear wheel braking module of the first lateral side of the vehicle by the third communication device as recited in claim 9 and the limitation of the at least one of the second communication device and the third communication device being configured identically to the first communication device as recited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. With regards to the claim 9 limitation, Examiner notes that the originally filed drawings show the front wheel braking module of a first lateral side of the vehicle being connected to the rear wheel braking module of the second lateral side not only by

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the second communication device but also by the first communication device. The same analysis holds true for the connection between the front wheel braking module of the second lateral side and the rear wheel braking module of the first lateral side in the sense that connection also exists by way of the first communication device. With regards to the claim 10 limitation, Examiner notes that the first communication device 14 is shown as being configured in the shape of an upper case letter "i". Examiner further notes that neither the second communication device 14' or the third communication device 14" is shaped like an upper case letter "i." Although the embodiment in figure 2 shows one of the second communication device and the third communication device in the form of element 14' being configured identically to the first communication device i.e. having the upper case letter "i" shape, it is apparent from the limitations in claim 9 which require the presence of all three communication devices that claim 10 refers to the embodiment of figure 1. Figure 1 shows the second and third communication devices 14' and 14", respectively being shaped differently from the first communication device.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9, 10, and 12-16 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re: claim 9. The originally filed specification lacks support for the limitation of a front wheel braking module of a first lateral side of the vehicle being connected only to a rear wheel braking module of a second lateral side of the vehicle by the second communication device and a front wheel braking module of the second lateral side of the vehicle being connected only to a rear wheel braking module of the first lateral side of the vehicle by the third communication device as recited in claim 9. Examiner notes that the originally filed drawings show the front wheel braking module of a first lateral side of the vehicle being connected to the rear wheel braking module of the second lateral side not only by the second communication device but also by the first communication device. Therefore the amendment introduces new matter.

Re: claim 10. Claim 10 is not supported by the originally filed disclosure because the recitation of the at least one of the second communication device and the third communication device being configured identically to the first communication device refers to the embodiment set forth in figure 2 in which both the first communication device 14 and the second communication device 14' are present and are both shaped like an upper case letter "i". However, claim 10 depends from claim 9 which was amended to refer to the embodiment of figure 1 which includes all three communication devices. In the embodiment of figure 1 it is clear that the at least one of the second communication device 14' and the third communication device 14" are not configured identically to the first communication device 14 since they are not in the shape of an

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upper case letter "I". Claim 10 merges embodiments, and the merger constitutes new matter.

Re: claim 12. Claim 12 requires that two sensors be connected to each wheel braking module. The limitation is shown in the embodiment of figure 2. However, claim 9 has been amended to refer to the embodiment of figure 1 which shows one sensor connected to one wheel braking module. Since claim 12 depends from claim 9, the dependency results in merged embodiments, and the merger constitutes new matter.

The remaining claims are rejected due to their dependency from claim 9.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 10. The phrase "configured identically" in lines 2-3 is indefinite. It is unclear to the Examiner whether Applicant intends that the at least one second and third communication device is shaped the same way as the first communication device or whether the at least one second and third communication device is of the same form as the first communication device (of the wire or cable configuration). Examiner has considered the claim as referring to the latter interpretation for applying art rejections.

Re: claim 15. The phrase "a device for determining an actuation strength of the brake actuating device" is indefinite. It is unclear to the Examiner whether the device for determining an actuation strength of the brake actuating device is intended to be the

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same or different from the at least four sensors for sensing an actuation of the brake actuating device recited in claim 9. Examiner notes that paragraph [0006] of the specification and the recitation in claim 9 suggest that the at least four sensors of claim 9 and the device of claim 15 are intended to be the same element. Examiner has interpreted the claim language as such for examining purposes. Clarification is required.

The remaining claim is indefinite due to its dependency from claim 10.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 10, 12, 13, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art figure 4 in view of US Patent 3693114 to Kempf.

Re: claims 9, 13, 14, 15, and 16. Admitted Prior Art figure 4 shows a decentralized electrical braking system comprising: at least four sensors S1-S4 for sensing an actuation of a brake actuating device; at least four wheel-braking modules 10, each wheel-braking module being assigned to a corresponding vehicle wheel and acquiring sensor data and controlling braking of the corresponding vehicle wheel; at least one first communication device as labeled on page 9 of the instant Office action connecting all four wheel-braking modules to one another by connecting to the labeled

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second and third communication devices for exchange of data; an electrical connecting device 12 for connecting each sensor to at least one wheel-braking module; and at least one of a second communication device as labeled and a third communication device as labeled for facilitating at least one of receiving and exchanging data between at least two wheel-braking modules associated with opposite lateral sides of the vehicle, wherein the first, second and third communication devices are parts of the system, wherein a front wheel braking module of a first lateral side of the vehicle (upper left element 10) being connected only to a rear wheel braking module of a second lateral side of the vehicle (lower right element 10) by the second communication device via the first communication device and a front wheel braking module of the second lateral side (lower left element 10) of the vehicle being connected only to a rear wheel braking module of the first lateral side of the vehicle (upper right element 10) by the third communication device via the first communication device.

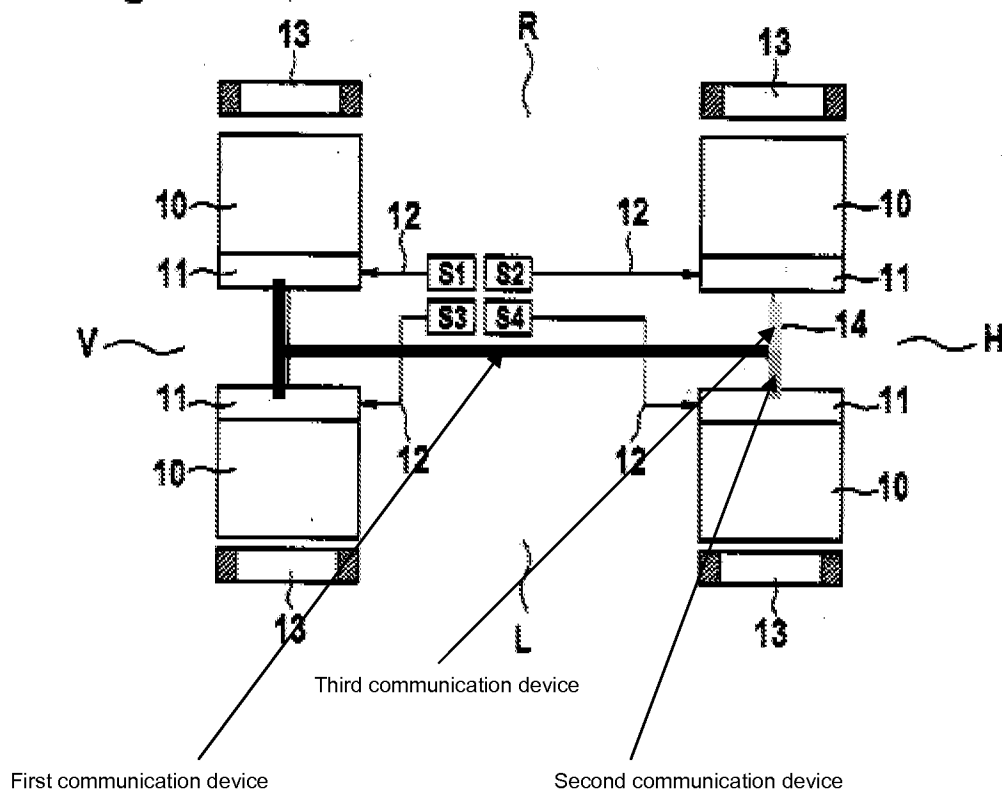
Admitted Prior Art figure 4 shows communication device parts meeting at a junction but is silent with regard to the first second and third communication devices being discrete.

Kempf teaches in figure 1 the use of a first, second, and third communication device 100, 200, and 300, respectively, being discrete components meeting at a junction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first, second, and third communication devices of Admitted Prior Art figure 4 to have been discrete components, as taught by Kempf, in

order to provide separate elements that facilitate system repair by enabling only a discrete component to be replaced instead of the entire communication system.

Fig. 4 *PRIOR ART*



Re: claims 10 and 12. Admitted Prior Art figure 4, as modified, teaches in prior art figure 4 the limitation wherein the at least one of the second communication device and the third communication device is configured identically to the first communication device in the form of a cable/wire, and each sensor is connected to two wheel braking modules associated with opposite lateral sides of the vehicle on the same axle via intervening elements such as portions of the communication devices.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

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February 14, 2009

/Melody M. Burch/

Primary Examiner, Art Unit 3657